IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ALABAMA SOUTHERN DIVISION

KENNETH SMITH,)
Petitioner,)
v.) Case No. 2:09-cv-2413-WMA
CONSTANCE REESE, Warden,)
Respondent.))

MEMORANDUM OF OPINION

The court has considered the entire file in this action together with the Magistrate Judge's Report and Recommendation (doc.10) and has reached an independent conclusion that the Magistrate Judge's Report and Recommendation is due to be adopted and approved. The court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusions of the court. In accord with the recommendation, this petition for writ of habeas corpus is due to be dismissed with prejudice. An appropriate order will be entered.

DONE this 30th day of November, 2010.

WILLIAM M. ACKER, JR.

UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ALABAMA NORTHEASTERN DIVISION

ERIC SHARPTON)
Petitioner,)
v.) CV 5:09-2136-RDP-JEO
WARDEN MICHAEL STRIEDEL and THE ATTORNEY GENERAL OF THE STATE OF ALABAMA,)))
Respondents.)

ORDER OF DISMISSAL

In accord with the Memorandum of Opinion entered contemporaneously herewith, it is hereby **ORDERED** that this petition for writ of habeas corpus be **DISMISSED WITH PREJUDICE**.

Costs are taxed to petitioner.	
DONE this	day of November, 2010.